



August 17, 2004 CPC

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

04SN0307

William B. and Gene DuVal

Matoaca Magisterial District  
Grange Hall Elementary, Bailey Bridge Middle  
and Matoaca High School Attendance Zones  
Off the northwest line of Second Branch Road

REQUEST: Rezoning from Agricultural (A) to Residential (R-25).

PROPOSED LAND USE:

A single family residential subdivision with a minimum average lot size of one (1) acre and at a density of no more than 0.67 units per acre is planned. (Proffered Condition 4)

RECOMMENDATION

Recommend denial for the following reasons:

- A. The proposed zoning and land use does not conform to the Southern and Western Area Plan which suggests the property is appropriate for rural conservation use (Green Area). The Plan suggests planned development in this area should be deferred until such time that provisions are made for adequate public facilities, to ensure orderly area development and cost effective extensions of utilities. One (1) of the goals of the Plan is to promote an orderly, efficient development pattern instead of a scattered, leapfrog pattern. Until that time, subdivision development in this area is premature.
- B. One of the purposes of the Comprehensive Plan is to provide predictability for developers and citizens as to future growth and development patterns.

Approval of this request could adversely affect the public's reliance on the Plan to make future decisions. The Plan has been used by both the development community as well as individual citizens to make decisions.

- C. There is a tremendous amount of land area within the boundaries of the Southern and Western Area Plan suggested as appropriate for residential development. Generally, these areas have existing, or planned public facilities to serve this planned growth area as development occurs.
- D. Approval of this request could set a precedent for approval of additional planned residential development in the rural conservation area (Green Area).

- (NOTES:
- A. THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER MAY PROFFER OTHER CONDITIONS.
  - B. IT SHOULD BE NOTED THAT REVISED PROFFERED CONDITIONS WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES." THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THESE PROFFERS.)

#### PROFFERED CONDITIONS

- 1. The public water system shall be used. (U)
- 2. The applicant, subdivider, or assignee(s) shall pay the following to the county of Chesterfield prior to the issuance of a building permit, for infrastructure improvements with in the service district for the property:
  - a. \$11,500.00 per dwelling unit, if paid prior to July 1, 2005; or
  - b. The amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.

- c. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
3. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
4. The average lot size in the development will be 1.70 acres, with no lot less than one (1) acre and no more than ten (10) lots. (P)
5. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (P)

### GENERAL INFORMATION

#### Location:

Located off the northwest line of Second Branch Road, northeast of River Road.  
Tax ID 730-646-Part of 6067 (Sheets 31 and 32).

#### Existing Zoning:

A

#### Size:

15.0 acres

#### Existing Land Use:

Vacant

#### Adjacent Zoning and Land Use:

North, South and West - A; Vacant  
East - R-25; Vacant

## UTILITIES

### Public Water System:

There is an existing eight (8) inch water line extending along Hulsey Drive, in Second Branch Subdivision, approximately 250 feet east of this site. Use of the public water system is required by County Code and has been proffered. (Proffered Condition 1)

### Public Wastewater System:

The public wastewater system is not available to serve the request site. This site is within the drainage basin of the Second Branch of Swift Creek. There are no plans to extend the public wastewater system to serve this area. This site is within the Rural Conservation Area of the Southern and Western Area Plan; which requires use of the public wastewater system (County Code, Sec. 18-64(a)). However, provision is made in the County Code for owners of property within the Rural Conservation Area of the Southern and Western Area Plan to apply for a waiver from the Planning Commission of mandatory use of the public wastewater system during tentative subdivision review (County Code 18-64(e)). The Planning Commission may impose conditions to mitigate the impact of any exception that it grants.

### Private Septic and Drainfield System:

If the Planning Commission grants an exception to the mandatory use of the public wastewater system through the tentative subdivision process, the Health Department must approve the use of individual septic tank and drainfield systems. In addition, a soil scientist must locate drainfield sites and reserve drainfield sites on each lot, and such sites must be approved by the Health Department. All other County and State Ordinances and regulations apply.

## ENVIRONMENTAL

### Drainage and Erosion:

The property drains north to Second Branch and via Second Branch to Swift Creek. The property is wooded and should not be timbered without first obtaining a land disturbance permit from the Environmental Engineering Department (Proffered Condition 3). There are no existing or anticipated on- or off-site drainage or erosion problems.

### Water Quality:

Second Branch to the north is a perennial stream subject to a 100-foot conservation area. The stream to the west could possibly be perennial and subject to the same conditions as Second Branch once the amendments to the Chesapeake Bay Ordinance are adopted. At time of tentative approval, a condition will require a dam break analysis on the older pond to the south.

### PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program and further detailed herein. This development will have an impact on these facilities.

### Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the six new stations, the Plan also recommends the expansion of five (5) existing stations. Based on nine (9) dwelling units, this request will generate approximately one (1) call for fire and EMS each year. The applicant has offered measures to address the impact on fire and EMS. (Proffered Condition 2)

The Winterpock Fire Station, Company Number 19, currently provides fire protection and EMS. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

### Schools:

Approximately five (5) school age children will be generated by this development. Currently the site lies in the Grange Hall Elementary School attendance zone: capacity - 828, enrollment - 628; Bailey Bridge Middle School zone: capacity - 1,621, enrollment -1,616; and Matoaca High School zone: capacity - 1,573, enrollment - 1,215.

Currently, there are twenty (20) trailers at Bailey Bridge. As a result of recent redistricting, which takes effect with the September 2004 school year, a number of students are being moved from Bailey Bridge Middle School to Matoaca Middle School. The applicant has offered measures to address the impact of this proposed development on school facilities. (Proffered Condition 2)

### Libraries:

Consistent with the Board of Supervisors' Policy, the impact of development on library services is assessed countywide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County.

Development of property in this area of the county would most likely affect the Central Library or the Clover Hill Library or a proposed new facility identified in the Public Facilities Plan in the vicinity of Beach and Winterpock Roads. The applicant has offered measures to address the impact of this development on library facilities. (Proffered Condition 2)

### Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks, and five (5) community centers by 2020. In addition, the Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources and identifies shortfalls in trails and recreational historic sites.

The applicant has offered measures to assist in addressing the impact of this proposed development on these Parks and Recreation facilities. (Proffered Condition 2)

### Transportation:

The property (fifteen (15) acres) is currently zoned Agricultural (A), and is located just west of the Second Branch Subdivision. The applicant is requesting rezoning from Agricultural (A) to Residential (R-25). Based on single family trip rates, development could generate approximately 110 average daily trips. The applicant intends to access the property through the Second Branch Subdivision. These vehicles will initially be distributed along streets within Second Branch Subdivision to Second Branch Road, which had a 2003 traffic count of 1,747 vehicles per day.

Two (2) existing roads in the subdivision may be used to access Second Branch Road: Balta Road and Devette Drive. Due to the alignment of these roads it is anticipated that most of the vehicles accessing the property will use Balta Road. The Subdivision Ordinance requires that subdivision streets conform to the Planning Commission's Stub Road Policy, which suggests that traffic volumes on those streets should not exceed an acceptable level of 1,500 vehicles per day. The additional traffic generated by this development is not anticipated to cause the

volumes on any of the streets within Second Branch Subdivision to exceed this level.

The traffic impact of this development must be addressed. Most area roads in this part of the county have little or no shoulders, fixed objects adjacent to the edge of pavement, and poor vertical and horizontal alignments. As development continues in this part of the county, traffic volumes on area roads will substantially increase. The roads will need to be improved to address safety and accommodate the increase in traffic. Second Branch Road will be directly impacted by development of this property. Sections of Second Branch Road have eighteen (18) feet of pavement with no shoulders. The capacity of this road is acceptable (Level of Service B) for the volume of traffic it currently carries. The standard typical section for this type of roadway should be twenty-four (24) foot wide pavement, with minimum eight (8) foot wide shoulders. The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of this development (Proffered Condition 2). Cash proffers alone will not cover the cost of the road improvements needed in this area. There are no public road improvement projects in this area currently included in the Six-Year Improvement Plan.

At time of tentative subdivision review, specific recommendations will be provided regarding a stub road right of way to the adjacent property to the south and the proposed internal street network.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	10*	1.00
Population Increase	27.20	2.72
Number of New Students		
Elementary	2.27	0.23
Middle	1.26	0.13
High	1.60	0.16
TOTAL	5.12	0.51
Net Cost for Schools	55,320	5,532
Net Cost for Parks	7,890	789
Net Cost for Libraries	4,040	404
Net Cost for Fire Stations	4,250	425
Average Net Cost for Roads	43,990	4,399
TOTAL NET COST	115,490	11,549

\*Based on a proffered number of lots (Proffered Condition 4). Actual number of lots and corresponding impact may vary

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$11,549 per unit. The applicant has been advised that a maximum proffer of \$11,500 per unit would defray the cost of the capital facilities necessitated by this proposed development. Consistent with the Board of Supervisors' Policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 2)

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.



## LAND USE

### Comprehensive Plan:

Lies within the boundaries of the Southern and Western Area Plan which suggests the property is appropriate for rural conservation use (Green Area) and for 1 to 5 acre lots; suited for R-88 zoning (Tan Area). The Plan suggests planned development in the green area should be deferred for twenty (20) years unless provisions are made earlier for supporting public facilities to include public utilities. One (1) of the goals of the Plan is to provide adequate public services and facilities concurrent with development. Further, the Plan suggest that orderly development will minimize the cost of providing public services to new development.

### Area Development Trends:

Adjacent property to the east is zoned Residential (R-25) and consists of single family residences in Second Branch Subdivision or remains vacant. The adjacent property to the north, south and west is zoned Agricultural (A) and is vacant. With the exception of a small portion of Second Branch, the zoning of area subdivisions predates adoption of the Plan.

The Plan (see attached) suggests that development in the rural conservation area should be deferred until adequate public facilities are available.

A similar request was submitted by the applicants in 2000; however, the case was withdrawn in 2002.

### Comparison of Area Density:

The adjacent property to the east is Second Branch Subdivision, with a density of 0.68 lots per acre. The applicant has agreed to a maximum of ten (10) lots, yielding a density of approximately 0.67 lots per acre. (Proffered Condition 4)

### Comparison of Area Lot Sizes:

The average lot size in Second Branch is 58,865 square feet. The applicant has proffered an average lot size of 1.70 acres (74,052 square feet), and a minimum lot size of one (1) acre (43,560 square feet). (Proffered Condition 4)

### Architectural Treatment:

To address area residents' concerns relative to architectural compatibility with the surrounding residential development, the applicant has agreed that exposed

surfaces of all dwelling unit foundations will be covered with brick or stone veneer. (Proffered Condition 5)

### CONCLUSIONS

The proposed zoning and land use do not conform to the Southern and Western Area Plan which suggests the property is appropriate for rural conservation use. The Plan suggests planned development in this area should be deferred for twenty (20) years until provisions are made for adequate public facilities. The Plan (at build out) notes that the request property and surrounding area would be appropriate for residential use of 1.01 to 2.5 units per acre only if provision is made for adequate public facilities to include the public wastewater system. In this manner, orderly development of the area is achieved in an efficient way, which discourages "leapfrog" development and minimizes the cost of providing public facilities in the future.

The applicant intends to use septic tank and drainfield systems. The Plan recommends orderly growth with the extension of public wastewater. At present, public wastewater is not available to the request property. If development is allowed to occur in a "leapfrog" fashion, these improvements will be difficult to achieve especially in an orderly, cost effective manner. Further, continued premature growth in the rural conservation area could adversely affect the ability to extend public wastewater into the area and serve future employment and commercial areas. The "build out" plan of the Southern and Western Area Plan, suggests areas appropriate for long-range economic development sites. A regional mixed use site (employment, retail, etc.) is located to the south and southeast of the subject property. Approval of premature residential development without regard for the orderly, efficient extension of public wastewater could adversely affect the ability to develop this regional site for employment and commercial services.

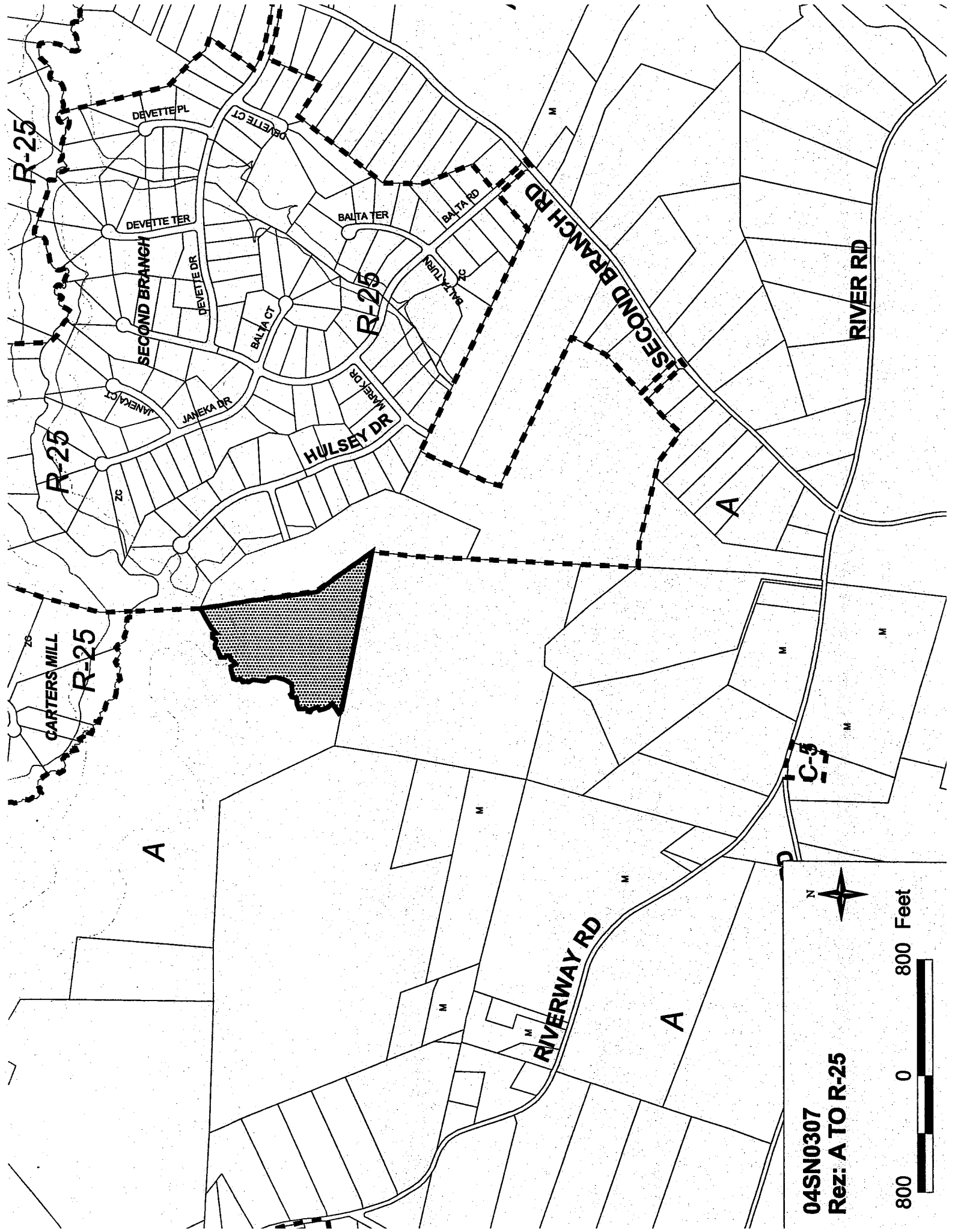
Carters Mill and Second Branch Subdivisions lie in proximity to the request site. Except for a small section of Carters Mill and Carters Mill East Subdivisions, these subdivisions predate adoption of the Plan. The boundaries of the rural conservation area were determined through an analysis based on future demand for residential development and planned locations of public facilities based upon the adopted Public Facilities Plan.

The proposed zoning and land use is premature and could lead to similar requests on other properties currently designated on the Southern and Western Area Plan for rural conservation use.

Approval of this request would have the effect of perpetuating past land use patterns that have led to scattered leapfrog development, with large tracts of land remaining vacant or underdeveloped between developments. One (1) of the stated goals of the Plan is to promote orderly development as a means of establishing an efficient and desirable growth pattern. Such planned and orderly development would also have the effect of minimizing the costs of extending public facilities and maximizing the use of existing facilities. Approval of the current request would defeat the stated purpose of the Plan.

Another consideration is the public's reliance when making decisions based upon the Plan. Unlike the 1960's and 1970's, the public relies upon the County's actions and visions relative to future growth and development. Those persons choosing to reside in the "green area" desire, and anticipate, a rural atmosphere and not one of planned, suburban residential development.

Given these considerations, denial of this request is recommended.



04SN0307

Rez: A TO R-25



POCAHONTAS  
STATE PARK

BAILEY BRIDGE RD.

SPRING RUN RD.

HENSLEY RD.

WINTERPOCK RD.

RIVERWAY RD.

RIVER RD.

COALBORO RD.

REEDY BRANCH RD.

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